

OFFICE OF THE CLERK:

WILLIAMS J. NEALON &
FEDERAL BUILDING &
U.S. COURT HOUSE
235 n .washington ave.
SCRANTON, PA. 18501

MONTALBAN JOSE, pro se
plaintiff

"MOTION TO ADD DOCUMENTS AS
EXHIBITS, PHOTOGRAPHS "

v.

CIVIL CASE NO: "1:17-cv-212"

POWELL, FNU, et, al.
defendants

"MOTION TO ADD DOCUMENTS AS EXHIBITS
PHOTOGRAPHS, "

I, REQUEST TO THE OFFICE OF THE CLERK, AND THE HONORABLE COURT, FOR
TO ACCEPTED THIS DOCUMENTS FOR THE ADD DOCUMENTS AS "EXHIBITS,
PHOTOGRAPHS, FOR THE CIVIL CASE ABOVE.

- a) " PLAINTIFF , REQUEST TO ACCEPTED THE PHOTOGRAPHS AS EXHIBITS &
EVIDENCE TO THE CIVIL CASE ABOVE, AT MEMBER OF MY FAMILY SEND
TO YOUR OFFICE OF THE CLERK,
- b) " THIS DOCUMENTS AND EXVIDENCE & PHOTOGRAPHS, SHOWING THE CLEARLY
MAGNITUDE OF TEH BRUTAL BEATING, ASSAULT AND BATTERY TO PLAINTIFF
BY THE CORRECTIONAL OFFICERS AT USP-CANNAN, PA.
- c) " THE REASON TO SEND THE PHOTOS VIA "MY FAMILY", IS BECAUSE THE
STAFF OF THIS PRISON, LIKE IT PLAY GAMES SEEK AND HIDE, WITH MYS
LEGAL MAIL, OR REGULAR MAIL", AND I DONT WANT LOOSING THOSE PHOTOS

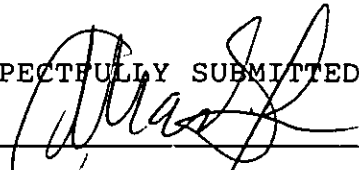
** ALSO, I REQUEST TO THE OFFICE OF THE CLERK, FOR . TO ACCEPTED THIS
DOCUMENTS AND A STAMPPED OF THE RECEIVED FOR AT PERSONAL FILE, .
THANK YOU.

DATED:

July 12/2019
ccp. U.S. Court of Appeals
For the Third Circuit

ccp, MELISSA A. SWAUGER
/s/ ASSISTANT U.S. ATTORNEY

RESPECTFULLY SUBMITTED BY:


MONTALBAN JOSE, pro se
Reg, No# 11497-179
FEDERAL CORRECTIONAL COMPLEX
USP-1, COLEMAN/p.o. box 1033
K_UNIT/COLEMAN, FL. 33521

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JOSE MONTALBAN,

Plaintiff

vs.

MR. POWELL, *et al.*,

Defendants

CIVIL NO. 1:CV-17-0212

(Judge Caldwell)

ORDER

AND NOW, this 7th day of April, 2017, in accordance with the accompanying memorandum, it is ORDERED that:

1. Plaintiff's motion for leave to proceed *in forma pauperis* (ECF No. 6) is construed as a motion to proceed without full prepayment of fees and costs, and is GRANTED.
2. The Clerk of Court is directed to issue the Administrative Order to the Warden of FCI Coleman to begin deducting money from Plaintiff's prison account in the manner described in the Administrative Order.
3. Plaintiff's motion to accept documents as exhibits (ECF No. 12) is dismissed as moot.
4. Plaintiff's motion to file an amended complaint (ECF No. 14) is GRANTED.
5. Within twenty-one (21) days from the date of this order, Plaintiff may file an amended complaint in this action in accordance with the accompanying memorandum.
6. The Clerk of Court shall forward to Plaintiff two (2) copies of this court's prisoner civil-rights complaint form which Plaintiff shall use in preparing any amended complaint he may file.

OFFICE OF THE CLERK:
UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT
21400 U.S. COURT HOUSE
#601 MARKET STREET
PHILADELPHIA, Pa. 19106

MONTALBAN JOSE
[APPELLANT/PLAINTIFF]

v

APPEAL NUMBER: 19-1450

POWELL, FNU, et, al.
[APPELLES/DEFENDANTS]

"MOTION

I, Jose Montalban, Reg. No #11497-179, "Send this Documents to the office of the Clerk and this Honorable Court, For to Be Accepted and Explain About the Photographs I Send with the others Documents on the date on [JUNE 25, 2019].

a) PHOTOGRAPH [G.I. "Exhibit Government"] "inmate (Montalban) in "Kacki Uniform" Coverall in Blood On his face and Uniform, "this place is inside the Emfermary, inside the Compand-Health Service On Dec. 28, 2012 (19:39 p.m.)." inmate explain this photo as "Exhibit (A-1)" for this Civil Case.

b) PHOTOGRAPHS [6.2, 6.3, 6.4 "Exhibit Government"] inmate (Montalban) Asserted that the Defendants "Excessive use of Force" and Brutal Beating an inmate on the date on Castron [Dec. 28, 2012 (21:45 p.m.) on inside the (SHU), "inmate Explain that this photos as "Exhibits": (6.2) = (B-1), (6.3) = (C-1), (6.4) = (D-1) For this Civil Case.

Inmate (Montalban) Asserted that those photographs showing that plaintiff was "Unavailable", unable for started the "Administrative Remedies", Because on his Injuries and he can't see it, or can his used his right hand [his right thumb was broken Backwards] he was in Several Pain, in all his Body and Head, Big Contussion Frontal Head, and the Defendants Denied him the "Administrative Remedies" when he and his Cell-mate Requested to them, •

c) plaintiff made the Mistake at the Moment he send the "Round of Documents", on the date of [JUNE 25, 2019] and don't Include this Motion with the photographs together, My's Apologies

d) Also, plaintiff (Montalban) want it Explain something about this photograph's and him Requested to "CLARIFICATION", About this photos.

Because my Family Member (Brother) Send to the office of the clerk at "Similar Set" of the photograph's "Before (April-2017) and After I submitted the "Amended Complaint", and Later on (2018) "Are not the Exactly date, My Brother is in Mexico", and right know, I don't have of the opportunity to Call or writing to him, "And we are in "Lock-Down" Until Normal operations."

o) [April-2017] "Office of the clerk and this Court Send at letter, and Explain that the Documents as Exhibits are [Moots] "Are not what is this", "And when Defendants go "Summary Judgment"

••) = (2018) January, "I Send at Set of photograph's
 ••) = (2018) March 1st, "This Court Accepted to Add the photographs as "Exhibits, Evidences", "But don't Mentioned about my Brother Set of photos or the photos I send on (January/2018) and Before in (2017)"

Under Rule 56(f) of the Federal Rules of Civil procedures, "The Judge can Deny the prisons officials "MOTION TO SUMMARY JUDGMENT" Because plaintiff haven't yet "Access to Discovery."

"Discovery" - Tools that Both parties in a Lawsuit "can" Uncover Factual Information about the Events that gives rise in the Case, "Collect" "Evidence" to use at "Summary Judgment" or "Trial".

Also, I requested at stamped of the Received this documents for at personal File,, Thank you.

dated:

July / 12 / 2019

ccp. Ms. Melissa A. Swager
/s/ Assistant U.S. Attorney
ccp. U.S. Court of Appeal for
the third Circuit
ccp. U.S. District Court For
the middle of Pennsylvania

Respectfully Submitted by:

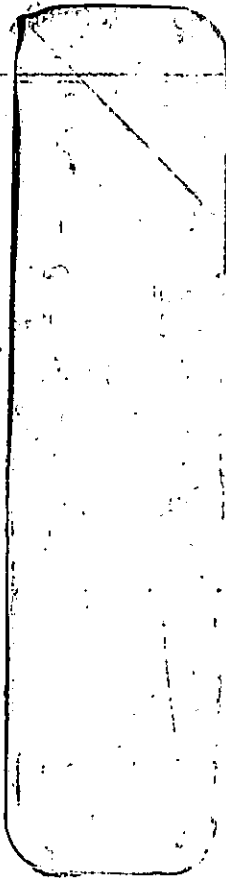
Montalban Jose
Reg. NO X 11497-179
Federal Correctional Complex
USP- ① / P.O. Box 1033
K-Unit / Coleman, FL. 33521

United States District Court for the Middle District of Pennsylvania
United States District Court for the Middle District of Pennsylvania
William J. Nealon Federal Building & United States Courthouse
235 North Washington Avenue
Scranton, PA 18503

OFFICE OF THE CLERK
UNITED STATES COURT OF APPEALS

21400 U.S. COURTHOUSE
601 MARKET STREET
PHILADELPHIA, PA 19106

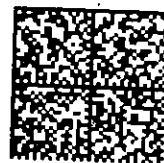
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